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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,908	04/06/2000	Robert W. Scheifler	06502.0254	9359

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 01/14/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/543,908

Applicant(s)

SCHEIFLER ET AL.

Examiner

Christopher A. Revak

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 5 and 6 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-11.

- 4) ☐ Interview Summary (PTO-913) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NORMAN M. WRIGHT
PRIMARY EXAMINER

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4 and 7-14, drawn to network security, classified in class 713, subclass 201. The subject matter falls under the subclassification because the criteria states "means or steps for providing system security at a network level."
 - II. Claims 5 and 6, drawn to object oriented technology, classified in class 717, subclass 116. The subject matter falls under the subclassification because the criteria states "wherein the programming language used to develop the code is based on a programming paradigm in which a program is viewed as a collection of discrete objects that are self-contained collections of data structures and routines that interact with other objects."
2. Inventions are distinct from each other and are related because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I is drawn towards verifying that constraints will be enforced and determining if network components are trustworthy wherein invention II is drawn towards various actions pertaining to object oriented technology. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Jeffrey Berkowitz on January 8, 2004 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-4 and 7-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5 and 6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted as papers #4-#11 is in compliance with the provisions of 37 CFR 1.97. The examiner notes that only U.S. Patents and a few patent documents and other documents are currently present within the file. The examiner has considered those references that which are already present in the file and the missing documents will be considered by the examiner once they are submitted by the applicant.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2131

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,2,12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Touboul, U.S. Patent 6,092,194.

As per claims 1 and 12, it is disclosed by Touboul of a computer based method and of a computer readable medium containing instructions (col. 10, line 8 and col. 13, lines 13-15) for a downloadable (downloaded code) being received (communicated) by a server and is intended for a client computer (col. 10, lines 9-10) in a distributed system as is shown in Figure 1. A downloadable security profile (secure code) is compared (determined) by the server to determine if it violates (verifies if it will enforce) the security policy (set of constraints)(col. 10, lines 11-15). It is noted by the examiner that if it determined that the downloadable (downloaded code) does not contain suspicious operations, it is treated as trustworthy (as is recited in the abstract) and is securely communicated to the client computer based on being trusted. A certificate further validates the downloadable security profile (secure code) as being verified from a trusted source (col. 6, lines 26-37).

As per claims 2 and 13, the teachings of Touboul disclose of determining if a downloadable (downloaded code) will enforce a security policy (set of constraints). The teachings of Touboul disclose of the use of Java object oriented programming (col. 1, lines 65-67). It is inherent that the downloadable (downloaded code) invokes a method on the server for it is well known that invocation of methods is notoriously well known in the field of object oriented programming whereby it is known to consist of routines and

Art Unit: 2131

data being treated as a discrete entity whereby calling or activating (invoking) other routines in response to a received message.

8. Claims 3,4,7-11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Touboul et al, U.S. Patent 6,154,844.

As per claims 3 and 14, it is disclosed by Touboul of a computer based method and of a computer readable medium containing instructions (col. 1, lines 23-27 and col. 14, lines 18-20) for a downloadable being received (communicated) by a server and is intended for a client computer (col. 3, lines 32-52) in a distributed system as is shown in Figure 1. A first downloadable security profile (first proxy code) is compared (determined) by the server to determine if it violates (verifies if it will enforce) the security policy (trustworthiness verification routine)(col. 12, lines 30-38). It is noted by the examiner that if it determined that the downloadable does not contain suspicious operations, it is treated as trustworthy (as is recited in the abstract) and is securely communicated to the client computer based on being trusted. A certificate further validates the downloadable security profile (proxy code) as being verified from a trusted source (col. 5, line 59 through col. 6, line 12). The downloadable contains a first downloadable security profile (first proxy code) and a second downloadable security profile (second proxy code)(col. 12, lines 25-22) wherein the downloadable security profiles (first and second proxy codes) are compared (determined) by the server to determine if it violates (verifies if it will enforce) the security policy (trustworthiness verification routine)(col. 12, lines 30-38). It is inherent that the downloadable comprising the downloadable security profile (first and second proxy codes) invokes a method on

Art Unit: 2131

the server for it is well known that invocation of methods is notoriously well known in the field of object oriented programming whereby it is known to consist of routines and data being treated as a discrete entity whereby calling or activating (invoking) other routines in response to a received message.

As per claim 4, Touboul et al teaches of receiving a certificate (trust verifier routine) from a server and a digital signature (signer information) and the actual certificate (codebase information) is contained within the downloadable security profile to determine if it is trustworthy (col. 5, line 59 through col. 6, line 12) and the downloadable security profiles (first and second proxy codes) are compared (determined) by the server to determine if it violates (verifies if it will enforce) the security policy (trustworthiness verification routine)(col. 12, lines 30-38).

As per claim 7, Touboul et al discloses of a system for a downloadable being received (communicated) by a server, that comprises memory with web page data (service) that is to be executed (runs) by a processor (col. 10, lines 35-45), and is intended for a client computer (col. 3, lines 32-52) in a distributed system as is shown in Figure 1. Figure 3 shows processor for executing the program and memory containing the downloadable (proxy) that comprises the downloadable security profile (secure verifier) retrieved and facilitates use from the web page (service) whereby the downloadable security profile (secure verifier) is compared (determined) by the server to determine if it violates (verifies if it will enforce) the security policy (security constraints)(col. 12, lines 30-38). It is noted by the examiner that if it determined that the downloadable does not contain suspicious operations, it is treated as trustworthy (as

is recited in the abstract) and is securely communicated to the client computer based on being trusted. A certificate further validates the downloadable security profile as being verified from a trusted source (col. 5, line 59 through col. 6, line 12). It is inherent that the downloadable (proxy) comprising the downloadable security profile invokes a method on the server for it is well known that invocation of methods is notoriously well known in the field of object oriented programming whereby it is known to consist of routines and data being treated as a discrete entity whereby calling or activating (invoking) other routines in response to a received message.

As per claim 8, Touboul et al teaches that the server and client computer communicate via the Internet (col. 3, lines 34-44).

As per claim 9, Touboul et al discloses that the server and client computer communicate via a local area network (col. 3, lines 34-44).

As per claim 10, it is taught by Touboul et al that the security profile (security constraints) are set by an inspector (client program)(col. 2, lines 3-8).

As per claim 11, Touboul et al discloses that the security profile (security constraints) are set by an inspector (service)(col. 2, lines 3-8).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davidson et al, U.S. Patent 6,292,934


Crichton et al, U.S. Patent 6,104,716

Davidson et al, U.S. Patent 5,664,191


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on M-Th, 6:30a-4:00p, alt. Fr, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


NORMAN M. WRIGHT
PRIMARY EXAMINER

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January 10, 2004